

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

SANDRA E. FLUCK, an individual,)	
)	C.A. No. 06-188
Plaintiff,)	
v.)	
)	
)	
HOENEN & MITCHELL, INC., a Delaware))	
corporation, BELLA VISTA)	JURY TRIAL DEMANDED
DEVELOPMENT, LLC, a Virginia)	
corporation, BELLA VISTA TOWNHOME)	
CONDOMINIUM ASSOCIATION, INC., a)	
Delaware Corporation, RE/MAX REALTY)	
GROUP, a Delaware franchise,)	
WILLIAM J. MITCHELL, individually,)	
and WAYNE MITCHELL, individually,)	
)	
Defendants.)	

**ANSWER OF BELLA VISTA DEVELOPMENT, LLC
AND WAYNE MITCHELL TO AMENDED COMPLAINT**

1. Defendants have insufficient information to admit or deny the averment.
2. Admitted.
3. Admitted.
4. Defendants have insufficient information to admit or deny the averment.
5. Defendants have insufficient information to admit or deny the averment.
6. Denied.

Jurisdiction

7. Defendants repeat answers to paragraphs 1-6.
8. Defendants have insufficient information to admit or deny the averment.

Factual Allegations

9. Defendants repeat answers to paragraphs 1-8.

10. Denied.

11. It is admitted the Remax Realty was the agent for the property. It is further admitted that the defendant Mitchell was an agent at Remax Realty. Defendants have insufficient information to admit or deny the balance of the averment.

12. Denied.

13. It is admitted that Bella Vista Development was the developer of the premises.

The balance of the averment is denied.

14. Denied.

COUNT I

15. Defendants repeat answers to paragraphs 1-14.

16. Denied.

17. Denied.

COUNT II

18. Defendants repeat answers to paragraphs 1-17.

19. Denied.

20. Denied.

COUNT III

21. Defendants repeat answers to paragraphs 1-20.

22. Denied.

23. Denied.

COUNT IV

- 24. Defendants repeat answers to paragraphs 1-23.
- 25. Defendants have insufficient information to admit or deny the averment.
- 26. Defendants have insufficient information to admit or deny the averment.
- 27. Defendants have insufficient information to admit or deny the averment.

COUNT V

- 28. Defendant repeats answers to paragraphs 1-27.
- 29. Denied.
- 30. Denied.

COUNT VI

- 31. Defendants repeat answers to paragraphs 1-30.
- 32. Denied.
- 33. Defendants have insufficient information to admit or deny the averment.
- 34. Denied.
- 35. Defendants have insufficient information to admit or deny the averment.
- 36. Denied.
- 37. Defendants have insufficient information to admit or deny the averment.

AFFIRMATIVE DEFENSES

- 38. The complaint fails to state a cause of action against the answering defendants.
- 39. The accident was caused by the negligence of the plaintiff in that she failed to
to maintain a proper lookout for her own safety.

CROSSCLAIMS

40. Should there be any basis of liability against the answering defendants, they are entitled to contribution from all defendants found liable.

CASARINO, CHRISTMAN & SHALK

/s/ Stephen P. Casarino
STEPHEN P. CASARINO, ESQ
I.D. No. 174
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(302) 594-4500
Attorney for the Defendant Bella Vista
Development, LLC

DATED: July 18, 2006

CERTIFICATE OF SERVICE

I, Stephen P. Casarino, Esq., hereby certify that I have efiled at 800 North King Street, Suite 200, Wilmington, DE 19801, on this 18th day of July, 2006, a true and correct copy of the attached Answer of Bella Vista Development, LLC to:

Andrea G. Green, Esquire
Doroshow, Pasquale, Krawitz & Bhaya
213 East DuPont Highway
Millsboro, DE 19966

CASARINO, CHRISTMAN & SHALK

/s/ Stephen P. Casarino
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